

CHAPTER 8

DISCIPLINE IMPOSED

Discipline is only imposed on Formal complaints. The Formal complaints can be initiated either by a civilian (Civilian-Initiated (CI) complaints) or by the Chief of Police (Department-Initiated (DI) complaints). An officer receives discipline based on the entire complaint and not based on each separate allegation.¹⁸ For example, an officer may have had three allegations sustained, but will received only one discipline (letter of reprimand, documented oral counseling, suspension, etc.). An officer may receive training and/or counseling, even though the allegation in a complaint is not sustained.¹⁹

From January 1 through December 31, 1998, two hundred and forty-nine Formal complaints were received. Of the 249 Formal complaints, 147 were closed. A finding was reached in 73 complaints. The other 74 complaints involved non-sworn officers of the SJPD or the investigations resulted in a No Finding, were omitted from Illustration No. 18. In the 73 complaints that resulted in a finding, a discipline was imposed on 27 complaints. The disciplines are listed by increasing level of severity.

Illustration #18: *Discipline Imposed for Formal Cases*

Type of Disciplines Imposed	Formal CI Disciplines	Formal DI Disciplines	Total	%
Training and/or Counseling	5	5	10	20%
Documented Oral Counseling (D.O.C.)	1	13	14	28%
Letter of Reprimand (L.O.R.)	0	11	11	22%
10-Hour Suspension	0	3	3	6%
20-Hour Suspension	0	1	1	2%
40-Hour Suspension	0	1	1	2%
160-Hour Suspension	0	1	1	2%
Pay reduction and 40-Hour Suspension	0	2	2	4%
Termination	0	1	1	2%
Officer Resigned	1	3	4	8%
Resigned Pending Termination	0	1	1	2%
Settlement Agreement	0	1	1	2%
Total Formal Cases or Disciplines	7	43	50	100%

¹⁸ See Appendix I (Misconduct Allegations) and Appendix H (Definition of Findings).

¹⁹ For example, officers who resign pending termination have a No Finding instead of a Sustained allegation. Also, some officers may receive Training and/or Counseling for a Not Sustained or Exonerated allegation.

Documented Oral Counseling accounted for 30% of the disciplines in Formal cases while Letter of Reprimand accounted for 26% of the disciplines in Formal cases. Training and/or Counseling was more frequent in the CI Formal cases than in the DI Formal cases.

A. OFFICERS SEPARATED FROM SJPD

There were four Formal cases that closed before the investigation was completed because the two officers left the San José Police Department (SJPD). Thus, no discipline was imposed. The allegations from those complaints were Unofficerlike Conduct (UC) and Improper Procedure (IP) .